

Appl. No. 09/530,369  
Amdt. dated November 20, 2003  
Reply to Office action of May 21, 2003



## REMARKS

Reconsideration is respectfully requested. Claims 1-10 were originally present in the application. Claims 1 and 6 are amended herein. Claims 3 and 8 are canceled. New claims 11-20 are added.

In the office action, the Examiner indicates that one of the cited documents from the International phase was not considered. The Examiner states that a concise explanation of the relevance of JP04-107941 is required. Applicant respectfully submits that the document should have been considered, since the document was cited in the PCT application and an International Search Report indicating the "Y" relevance of the document was provided, the Examiner is required to consider the document. This is sufficient to meet the requirements for a concise explanation of the relevance of the document per the MPEP section 609 that states:

"Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report."

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Applicant has complied with this requirement and respectfully requests consideration of the document.

Claims 1-10 are rejected as being obvious based on Kim (U.S. 5,978,659) in view of Cuffaro et al (U.S. 5,983,185), Kanai (U.S. 5,386,589) and Lindenmeier et al (U.S. 6,011,962). Applicant respectfully traverses.

The Kim document is essentially the prior art type system upon which the applicant's invention is improving, as it employs an external computer 10.

The Examiner then adds various other documents to attempt to show other elements. Cuffaro et al shows a device for recording radio quality parameters and speech, but it is not related to the applicant's invention, as it does not appear to relate to adjusting the radio device, but only with recording the parameters and possibly also an operator's opinion of the quality parameters.

Kanai shows a mobile phone that has level and bit error rate (BER) detectors and is concerned with automatically controlling the transmission power level in a mobile phone system for power conservation and interference reduction.

Lindenmeier et al show a circuit that is to be part of a mobile receiver, for testing the operation thereof.

Applicant has amended claims 1 and 6 herein to clarify the distinction of applicant's invention with the prior art. In making these amendments, claim 3 is combined into claim 1 and

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claim 8 into claim 6, canceling claims 3 and 8. These claims include the concept that the CPU performing the testing is also the CPU that controls operation of the communication device in normal operation (the Kim reference, for example, does not have that feature). Also, independent claims 1 and 6 include the concept that the processing device is adapted to adjust operation of the communication device.

It is respectfully submitted that the documents relied upon, whether considered separately or combined, do not teach or suggest the claims of the application.

Applicant adds new claims 11-15, depending on claim 1, adding further elements to define aspects of the invention. Claim 11 adds that the communication device includes a variable adjustment element and that the processing device changes the variable adjustment element. Claims 12 and 13 add that the variable adjustment element is a variable impedance (claim 12) and a variable capacitor (claim 13). Claims 14 and 15 add that the communication device is a radio receiver and a television receiver. Claims 16-20 have corresponding elements based on claim 6 (claims 19 and 20 reciting a mobile telephone device and a transceiver, respectively). These claims are supported by the specification as filed, for example at page 8, bottom paragraphs and following, and page 18, bottom paragraph. These claims are also submitted to be allowable.

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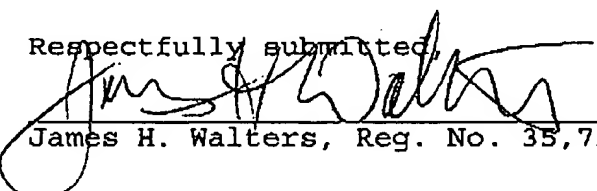
The drawings are amended herein for matters of formality. A "Prior Art" label is added to FIG. 7 and FIG. 8. Also, applicant amends FIG. 8 to change reference numbers in the drawing to conform to the specification numbers as follows:

Original number	Changed to number
202	552
204	554
206	556
208	558
210	560
508	562
510	564

These changes are apparent from inspection, and do not represent new matter.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,

  
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